

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

The United States of America, The Republic
of China, The United Kingdom of Great Britain
and Northern Ireland, The Union of Soviet
Socialist Republics, The Commonwealth of
Australia, Canada, The Republic of France, The
Kingdom of the Netherlands, New Zealand, India,
and The Commonwealth of the Philippines,

- Against -

ARAKI, Sadao; DOKIYAMA, Kenji; HASHIMOTO,
Kingoro; HATA, Shunroku; HIRANUMA, Kiichiro;
HIROTA, Koki; HOSHINO, Naoki; ITAGAKI,
Seishiro; KAYA, Okinori; KIDO, Koichi; KIMURA,
Heitaro; KOISO, Kuniaki; MATSUI, Iwane;
MATSUOKA, Yosuke; MINAMI, Jiro; MUTO, Akira;
NAGANO, Osami; OKA, Takasumi; OKAWA, Shumei;
OSHIMA, Hiroshi; SATO, Kenryo; SHIGEMITSU,
Mamoru; SHIMADA, Shigetaro; SHIRATORI, Toshio;
SUZUKI, Teiichi; TOGO, Shigenori; TOJO, Hideki;
UMEZU, Yoshijiro,

- Accused -

Court House of the Tribunal
War Ministry Building
Tokyo, Japan
Friday -- 3 May, 1946

A R R A I G N M E N T

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4 Before:

5 HON. SIR WILLIAM F. WEBB, President
6 of the Tribunal and Member from
the Commonwealth of Australia;

7 HON. E. STUART MC DOUGALL, Justice.
8 Member from the Dominion of Canada;

9 HON. JU-AO MEI, Member from the
Republic of China;

10 HON. HENRI BERNARD, Member from the
11 Republic of France;

12 HON. BERNARD VICTOR A. ROLING,
13 Member from the Kingdom of the
Netherlands;

14 HON. ERIMA HARVEY NORTHCROFT, Justice,
15 Member from the Dominion of
New Zealand;

16 HON. I. M. ZARYANOV, Justice,
17 Member from the Union of Soviet
Socialist Republics;

18 HON. LORD PATRICK, Member from the
19 United Kingdom of Great Britain
and Northern Ireland; and

20 HON. JOHN P. HIGGINS, Justice, Member
21 from the United States of America.
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3 A P P E A R A N C E S
4

5 For the International Prosecution Section:

6 MR. JOSEPH B. KEEMAN, Chief of Counsel,
7 acting on behalf of the United States
8 of America;

9 CHE-CHUN HSIANG, Judge, Associate Counsel,
10 acting on behalf of the Republic of
11 China;

12 MR. A. S. COMYNS CARR, Associate Counsel,
13 acting on behalf of the United Kingdom
14 of Great Britain and Northern Ireland;

15 MR. S. A. GOLUNSKY, Associate Counsel,
16 acting on behalf of the Union of
17 Soviet Socialist Republics;

18 A. J. MANSFIELD, Justice, Associate Counsel,
19 acting on behalf of the Commonwealth of
20 Australia;

21 H. G. NOLAN, Brigadier, Associate Counsel,
22 acting on behalf of Canada;

23 MR. J. GOUÉLOU, Associate Counsel,
24 acting on behalf of the Republic of
25 France;

MR. A. T. LAVERGE, Associate Counsel,
acting on behalf of the Kingdom of
the Netherlands;

R. H. QUILLIAN, Brigadier, Associate Counsel,
acting on behalf of New Zealand; and

MR. PEDRO LOPEZ, Associate Counsel,
acting on behalf of the Commonwealth
of the Philippines.

1 For the Defense Section:

2 CAPTAIN BEVERLY M. COLEMAN, USNR,
3 Chief of Counsel;

4 LIEUTENANT VALENTINE B. DEALE, USNR,
5 Associate Counsel;

6 CAPTAIN GEORGE A. FURNESS, AC AUS,
7 Associate Counsel;

8 FIRST LIEUTENANT ARISTIDES G. LAZARUS, USMCR,
9 Associate Counsel;

10 MAJOR FRANKLIN E. N. WARREN, AC AUS,
11 Associate Counsel;

12 GEORGE YAMACKA, ESQ., Associate Counsel;

13 SUGAWARA, Yutaka, Counsel for Accused ARAKI,
14 Sadao;

15 TSUKAZAKI, Naoyoshi, Counsel for Accused
16 DOMIHARA, Kenji;

17 HAYASHI, Itsuro, Counsel for Accused
18 HASHIMOTO, Kingoro;

19 KANZAKI, Masayoshi, Counsel for Accused
20 HATA, Shunroku;

21 USAMI, Rukuro, Counsel for Accused HIRANUMA,
22 Kiichiro;

23 HANAI, Chu (Tadashi), Counsel for Accused
24 HIROTA, Koki;

25 FUJII, Goichiro, Counsel for Accused HOSHINO,
 Naoki;

 TAKANO, Tsuruo, Counsel for Accused KAYA,
 Okinori;

 HOZUMI, Shigetaka, Counsel for Accused KIDO,
 Koichi, and TOGO, Shigenori;

 UZAWA, Somei, Counsel for Accused MATSUI,
 Iwane, and SHIRATORI, Toshio;

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5 For the Defense Section: (Continued)

6 ROBAYASHI, Shunzo, Counsel for Accused
7 MATSUOKA, Yosuke;

8 TAKEUCHI, Kintaro, Counsel for Accused
9 MINAMI, Jiro;

10 OKUYAMA, Hachiro, Counsel for Accused
11 NAGANO, Osami;

12 SOMIYA, Shinji, Counsel for Accused OKA,
13 Takasumi;

14 OHARA, Shinichi, Counsel for Accused OHKAWA,
15 Shumei;

16 TSUKAZAKI, Naoyoshi, Counsel for Accused
17 OSHIMA, Hiroshi;

18 TAKAYANAGI, Kenzo, Counsel for Accused
19 SHIGEMITSU, Mamoru;

20 TAKAHASHI, Yoshitsugu, Counsel for Accused
21 SHIMADA, Shigetaro;

22 HASEGAWA, Motokichi, Counsel for Accused
23 SUZUKI, Teiichi; and

24 KIIYOSE, Ichiro, Counsel for Accused TOJO,
25 Hideki.

1 Friday, 3 May, 1946

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3 INTERNATIONAL MILITARY TRIBUNAL
4 FOR THE FAR EAST
5 Court House of the Tribunal
6 War Ministry Building
7 Tokyo, Japan

8 The Tribunal met, pursuant to adjournment,
9 at 1122.

10 (English to Japanese interpretation was made
11 by MOTONO, Seiichi, of statements from the floor, and
12 by TSUCHIYA, Jun, of The President's statements, K.
13 HAYASHI acting as Monitor.)

14 MARSHAL OF THE COURT: The International
15 Military Tribunal for the Far East is in session and
16 is ready to hear any matter brought before it.

17 THE PRESIDENT: Before assembling here today,
18 the Members of the Tribunal signed a joint affirmation
19 to administer justice according to law, without fear,
20 favor or affection.

21 We fully appreciate the great responsibility
22 resting upon us. There has been no more important
23 criminal trial in all history. Certainly we are not a
24 Senate or a House of Peers met for the impeachment of a
25 Verrus or a Hastings, but a court of plain men selected
from the superior courts of our respective countries.

1 On the other hand, the accused before us
2 were no mere provincial governors, but for more than a
3 decade were the leaders of Japan at the height of her
4 power and prosperity. They include former prime min-
5 isters, foreign ministers, finance ministers, chiefs
6 of staff, and others who have filled the highest
7 places in the government of Japan.

8 The crimes alleged are crimes against the
9 peace of the world, against the laws of war, and
10 against humanity, and conspiracy to commit these
11 crimes. They are so many and so great that it was de-
12 cided the appropriate forum would be a military tri-
13 bunal of an international character, namely, a tribunal
14 comprised of the representatives of the Allied powers
15 that defeated Japan.

16 While the former high rank of the accused of
17 itself entitles them to no greater consideration than
18 would be extended to the humblest Japanese private or
19 Korean guard, the number and quality of the crimes
20 charged ensure for them the most anxious consideration
21 by the Tribunal of the evidence that will be adduced,
22 and also the most careful ascertainment by the Tribunal
23 of the law applicable. To our great task we bring
24 open minds both on the facts and on the law.

25 The onus will be on the prosecution to

1 establish guilt beyond reasonable doubt.

2 The Charter under which this Tribunal has been
3 constituted enjoins a fair and a prompt trial. We shall
4 conduct our proceedings with the utmost expedition con-
5 sistent with justice to the accused. But the necessity
6 to conduct the trial in two languages renders it inevit-
7 able that the trial should be protracted.

8 We propose to call before us in chambers at
9 an early date counsel for the prosecution and for the
10 defense with a view to shortening the proceedings by
11 agreement on the admission of documents and facts as
12 to which there could be no real contest.

13 Mr. Chief of Counsel.

14 MR. KEENAN: Mr. President, I appear for the
15 prosecution with my learned friends whom I would desire
16 permission at this time to present to the Court.

17 Judge Che-Chun Hsiang, Chief Prosecutor,
18 Shanghai High Court, Associate Counsel, acting on be-
19 half of the Republic of China.

20 Mr. A. S. Comyns Carr, British Deputy
21 Prosecutor, Associate Counsel, acting on behalf of the
22 United Kingdom of Great Britain and Northern Ireland.

23 Brigadier Ronald Henry Quilliam, Barrister
24 of the Supreme Court, New Zealand, Associate Counsel,
25 acting on behalf of New Zealand.

1 Minister S. A. Golunsky, Head of the Legal and
2 Treaty Department of the Ministry of Foreign Affairs of
3 the Union of Soviet Socialist Republics and Member of
4 the Board of the said Ministry, Doctor of Law, Associate
5 Counsel, acting on behalf of the Union of Soviet Social-
6 ist Republics.

7 Mr. Justice Alan James Mansfield, Judge of
8 Supreme Court of Queensland, Associate Counsel, acting
9 on behalf of the Commonwealth of Australia.

10 Mr. Jacques Gouelou, Professor of English
11 language and literature at the University of Paris,
12 representing Mr. Robert Oneto, assistant to the Director
13 of Personnel at the Ministry of Justice and Chief Pros-
14 ecutor of the Republic on the Court of Assizes of the
15 Department of Seine and Marne, Associate Counsel,
16 acting on behalf of the Republic of France.

17 Mr. Laverge, Lawyer, representing Mr. Justice
18 W. G. F. Bergerhoff-Mulder, Justice in the Special Court
19 for War Criminals in The Hague and Judge in the Court,
20 Associate Counsel, acting on behalf of the Kingdom of
21 the Netherlands.

22 Brigadier Henry Grattan Nolan, Vice-Judge-
23 Advocate General at Nations Defense Headquarters,
24 Associate Counsel, acting on behalf of Canada.

25 Mr. Govinda Menon, Associate Counsel, acting

1 on behalf of India, has not yet arrived but will be
2 present in Court in a few days.

3 Major Pedro Lopez, Lawyer, Member of the
4 Philippine Congress and Head of the Philippines' United
5 Nations Organization Delegation in London, Associate
6 Counsel, acting on behalf of the Commonwealth of the
7 Philippines.

8 THE PRESIDENT: The reporters and interpreters
9 will be sworn or affirmed. I ask Captain Van Meter, the
10 Marshal of the Court, to administer the necessary oath
11 or affirmation in each case.

12 (Whereupon, the English court
13 reporters, the Japanese court reporters, and
14 the interpreters, monitors and language arbit-
15 ers were duly sworn.)

16 MARSHAL OF THE COURT: Mr. President, the
17 court reporters, interpreters, monitors and language
18 arbiters have been sworn.

19 THE PRESIDENT: Owing to the absence of two
20 of the accused, we will now recess until thirty minutes
21 past two o'clock.

22 (Whereupon, at 1140, a recess was
23 taken until 1430.)

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1 AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess, at 1430.

4 THE PRESIDENT: Mr. Chief Counsel!

5 MR. KEENAN: Mr. President, I ask that the
6 Indictment be read or that the accused themselves, or
7 their counsel, be interrogated in open court, as to
8 whether or not they waive the reading of this formal
9 document.10 THE PRESIDENT: There is no waiver. I ask
11 the Marshal of the Court, Captain Van Meter, to read
12 the Indictment. He will be relieved from time to time
13 by the Acting Clerk of the Court, Judge Dell.14 (Whereupon, the Indictment was read
15 in English by the Marshal of the Court; and
16 the prepared Japanese translation thereof was
17 read by Mr. David Itami, official interpreter.)

18 MARSHAL OF THE COURT: (Reading)

19 "INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

20 -----
21 No. 1.
22 -----23 "THE UNITED STATES OF AMERICA, THE REPUBLIC OF
24 CHINA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
25 IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS, THE
COMMONWEALTH OF AUSTRALIA, CANADA, THE REPUBLIC OF

1 FRANCE, THE KINGDOM OF THE NETHERLANDS, NEW ZEALAND,
2 INDIA, AND THE COMMONWEALTH OF THE PHILIPPINES.

3 - AGAINST -

4 "ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO,
5 Kingoro; HATA, Shunroku; HIRANUMA, Kiichiro; HIROTA,
6 Koki; HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA,
7 Okinori; KIDO, Koichi; KIMURA, Heitaro; KOISO,
8 Kuniaki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI,
9 Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi;
10 OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo;
11 SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATORI,
12 Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO,
13 Hideki; UMEZU, Yoshijiro.

14 Defendants.

15 "INDICTMENT

16 "In the years hereinafter referred to in this
17 Indictment the internal and foreign policies of Japan
18 were dominated and directed by a criminal militaristic
19 clique, and such policies were the cause of serious
20 world troubles, aggressive wars, and great damage to
21 the interests of peace-loving peoples, as well as the
22 interests of the Japanese people themselves.

23 "The mind of the Japanese people was system-
24 atically poisoned with harmful ideas of the alleged
25 racial superiority of Japan over other peoples of Asia

1 and even of the whole world. Such parliamentary insti-
2 tutions as existed in Japan were used as implements for
3 widespread aggression, and a system similar to those
4 then established by Hitler and the Nazi party in Ger-
5 many and by the Fascist party in Italy was introduced.
6 The economic and financial resources of Japan were to
7 a large extent mobilized for war aims, to the detri-
8 ment of the welfare of the Japanese people.

9 "A conspiracy between the defendants, joined
10 in by the rulers of other aggressive countries, namely,
11 Nazi Germany and Fascist Italy, was entered into. The
12 main objects of this conspiracy was to secure the dom-
13 ination and exploitation by the aggressive States of
14 the rest of the world, and to this end to commit, or
15 encourage the commission of crimes against peace, war
16 crimes, and crimes against humanity as defined in the
17 Charter of this Tribunal, thus threatening and injuring
18 the basic principles of liberty and respect for the
19 human personality.

20 "In the promotion and accomplishment of that
21 scheme, these defendants, taking advantage of their
22 power and their official positions and their own per-
23 sonal prestige and influence, intended to and did plan,
24 prepare, initiate, or wage aggressive war against the
25 United States of America, the Republic of China, the

1 United Kingdom of Great Britain and Northern Ireland,
2 the Union of Soviet Socialist Republics, the Common-
3 wealth of Australia, Canada, the Republic of France,
4 the Kingdom of the Netherlands, New Zealand, India,
5 the Commonwealth of the Philippines, and other peace-
6 ful nations, in violation of international law, as
7 well as in violation of sacred treaty commitments,
8 obligations and assurances; such plan contemplated and
9 carried out the violation of recognized customs and
10 conventions of war by murdering, maiming and ill-
11 treating prisoners of war, civilian internees, and
12 persons on the high seas, denying them adequate food,
13 shelter, clothing, medical care, or other appropriate
14 attention, forcing them to labour under inhumane con-
15 ditions, and subjecting them to indignities; exploit to
16 Japan's benefit the manpower and economic resources of
17 the vanquished nations, plundering public and private
18 property, wantonly destroying cities, towns and vil-
19 lages beyond any justification of military necessity;
20 perpetrate mass murder, rape, pillage, brigandage,
21 torture, and other barbaric cruelties upon the help-
22 less civilian population of the over-run countries;
23 increase the influence and control of the military and
24 naval groups over Japanese government officials and
25 agencies; psychologically prepare Japanese public

1 opinion for aggressive warfare by establishing so-
2 called Assistance Societies, teaching nationalistic
3 policies of expansion, disseminating war propaganda,
4 and exercising strict control over the press and
5 radio; set up 'puppet' governments in conquered coun-
6 tries; conclude military alliances with Germany and
7 Italy to enhance by military might Japan's programme
8 of expansion."

9 MR. TAKAYANAGI (Counsel for accused SHIGE-
10 MITSU): May it please the Tribunal, I wish to make
11 an objection to this translation of the Indictment.
12 "Persons on the high seas" are not "kaijo hyoryu-sha."
13 It is something quite different. As a man who knows
14 something of the English language as well as the lan-
15 guage of the accused, I should also like to state that
16 there are in the Japanese text a number of obvious
17 errors and inaccuracies of a substantial character.

18 NARRATOR: Will the reporter please read
19 back the last statement of the defense counsel?

20 (Whereupon, the reporter read
21 back the statement of Mr. TAKAYANAGI which
22 was narrated in Japanese by the monitor.)

23 MR. KEENAN: If the Court please, may we be
24 informed who this individual is?

25 THE PRESIDENT: I am trying to discover from

1 this chart before me who he is.

2 MR. TAKAYANAGI: I am counsel for the defend-
3 ant SHIGEMITSU. My profession is Professor of Law of
4 the Imperial University.

5 MR. KEENAN: If the Court please, I would
6 like to suggest, if there are any objections to the
7 translation, that there have already been appointed
8 monitors for the purpose of correcting or reconciling
9 any such differences, and I object to this type of
10 procedure at this time.

11 LANGUAGE SECTION CHIEF: Mr. President,
12 the translation which the Tribunal's Language Section
13 is reading here today is the translation which was pre-
14 sented to us by the International Prosecution Section
15 and is the translation which was presented to the in-
16 dictees. Our language monitors have noted errors in
17 it; but it was felt, upon the orders of the President
18 to read the Indictment, that it should be read as it
19 was delivered to the indictees.

20 THE PRESIDENT: Major Moore.

21 LANGUAGE ARBITER (Major Moore): Mr. Pres-
22 ident, there are typographical errors in the transla-
23 tion of the Indictment; but, as far as we can tell,
24 there are none that change the meaning for anyone who
25 understands the difficulty in transcribing and typing

1 the Japanese language.

2 THE PRESIDENT: We will proceed to the
3 reading of the Indictment and the translation which
4 has been prepared.

5 (Whereupon, the Marshal of the
6 Court continued the reading of the Indict-
7 ment in English; and the reading of the
8 prepared translation was continued by Mr.
9 David Itami, official interpreter.)

10 MARSHAL OF THE COURT: (Reading)

11 "Therefore, the above named Nations by their
12 undersigned representatives, duly appointed to repre-
13 sent their respective Governments in the investigation
14 of the charges against and the prosecution of the
15 Major War Criminals, pursuant to the Potsdam Declara-
16 tion of the 20th July, 1945, and the Instrument of
17 Surrender of the 2nd September, 1945, and the Charter
18 of the Tribunal, hereby accuse as guilty, in the re-
19 spects hereinafter set forth, of Crimes against Peace,
20 War Crimes, and Crimes against Humanity, and of Common
21 Plans or Conspiracies to commit those Crimes, all as
22 defined in the Charter of the Tribunal, and according-
23 ly name as Defendants in this cause and as indicted on
24 the Counts hereinafter set out in which their names
25 respectively appear, all the above-named individuals."

1 the Japanese language.

2 THE PRESIDENT: We will proceed to the
3 reading of the Indictment and the translation which
4 has been prepared.

5 (Whereupon, the Marshal of the
6 Court continued the reading of the Indict-
7 ment in English; and the reading of the
8 prepared translation was continued by Mr.
9 David Itami, official interpreter.)

10 MARSHAL OF THE COURT: (Reading)

11 "Therefore, the above named Nations by their
12 undersigned representatives, duly appointed to repre-
13 sent their respective Governments in the investigation
14 of the charges against and the prosecution of the
15 Major War Criminals, pursuant to the Potsdam Declara-
16 tion of the 20th July, 1945, and the Instrument of
17 Surrender of the 2nd September, 1945, and the Charter
18 of the Tribunal, hereby accuse as guilty, in the re-
19 spects hereinafter set forth, of Crimes against Peace,
20 War Crimes, and Crimes against Humanity, and of Common
21 Plans or Conspiracies to commit those Crimes, all as
22 defined in the Charter of the Tribunal, and according-
23 ly name as Defendants in this cause and as indicted on
24 the Counts hereinafter set out in which their names
25 respectively appear, all the above-named individuals."

1 (Whereupon, the reading of the
2 Indictment was continued in English by the
3 Acting Clerk of the Court; and the prepared
4 Japanese translation thereof was read by Mr.
5 Lani Miyamoto, official interpreter.)

6 ACTING CLERK OF THE COURT: (Reading)

7 "GROUP ONE: CRIMES AGAINST PEACE.

8 "The following counts charge Crimes against
9 Peace, being acts for which it is charged that the
10 persons named and each of them are individually re-
11 sponsible in accordance with Article 5 and particular-
12 ly Article 5(a) and (b) of the Charter of the Inter-
13 national Military Tribunal for the Far East, and in
14 accordance with International Law, or either of them.

15 "COUNT 1.

16 "All the Defendants together with divers
17 other persons, between the 1st January, 1928, and the
18 2nd September, 1945, participated as leaders, organ-
19 izers, instigators, or accomplices in the formulation
20 or execution of a common plan or conspiracy, and are
21 responsible for all acts performed by themselves or by
22 any person in execution of such plan.

23 "The object of such plan or conspiracy was
24 that Japan should secure the military, naval, political
25 and economic domination of East Asia and of the Pacific

1 and Indian Oceans, and of all countries and islands
2 therein and bordering thereon and for that purpose
3 should alone or in combination with other countries
4 having similar objects, or who could be induced or
5 coerced to join therein, wage declared or undeclared
6 war or wars of aggression, and war or wars in viola-
7 tion of international law, treaties, agreements and
8 assurances, against any country or countries which
9 might oppose that purpose.

10 "The whole of the Particulars in Appendix A,
11 of the Treaty Articles in Appendix B, and of the
12 Assurances in Appendix C, relate to this Count.

13 "COUNT 2.

14 "All the Defendants together with divers
15 other persons, between the 1st January, 1928, and the
16 2nd September, 1945, participated as leaders, organ-
17 izers, instigators, or accomplices in the formulation
18 or execution of a common plan or conspiracy and are
19 responsible for all acts performed by themselves or
20 by any person in execution of such plan.

21 "The object of such plan or conspiracy was
22 that Japan should secure the military, naval, political
23 and economic domination of the provinces of Liaoning,
24 Kirin, Heilungkiang and Jehol, being parts of the
25 Republic of China, either directly or by establishing

1 a separate state under the control of Japan, and for
2 that purpose should wage declared or undeclared war
3 or wars of aggression, and war or wars in violation
4 of international law, treaties, agreements and as-
5 surances, against the Republic of China.

6 "The whole of the Particulars in Appendix A,
7 the following Treaty Articles in Appendix B: Nos. 1
8 to 6 inclusive, 8 to 14 inclusive, 22 to 30 inclusive,
9 32 to 35 inclusive; and the following Assurances in
10 Appendix C: Nos. 1 to 8 inclusive, relate to this
11 Count.

12 "COUNT 3.

13 "All the Defendants together with divers
14 other persons, between the 1st January, 1928, and the
15 2nd September, 1945, participated as leaders, organ-
16 izers, instigators, or accomplices in the formulation
17 or execution of a common plan or conspiracy, and are
18 responsible for all acts performed by themselves or by
19 any person in execution of such plan.

20 "The object of such plan or conspiracy was
21 that Japan should secure the military, naval, political
22 and economic domination of the Republic of China,
23 either directly or by establishing a separate state
24 or states under the control of Japan, and for that pur-
25 pose should wage declared or undeclared war or wars of

1 aggression, and war or wars in violation of inter-
2 national law, treaties, agreements and assurances,
3 against the Republic of China.

4 "The whole of the Particulars in Appendix A,
5 and the same Treaty Articles and Assurances as in
6 Count 2, relate to this Count.

7 "COUNT 4.

8 "All the Defendants together with divers
9 other persons, between the 1st January, 1928 and the
10 2nd September, 1945, participated as leaders, organ-
11 izers, instigators, or accomplices in the formulation
12 or execution of a common plan or conspiracy, and are
13 responsible for all acts performed by themselves or by
14 any person in execution of such plan.

15 "The object of such plan or conspiracy was
16 that Japan should secure the military, naval, political
17 and economic domination of East Asia and of the Pacific
18 and Indian Oceans, and of all countries and islands
19 therein or bordering thereon, and for that purpose
20 should alone or in combination with other countries
21 having similar objects, or who could be induced or
22 coerced to join therein, wage declared or undeclared
23 war or wars of aggression, and war or wars in viola-
24 tion of international law, treaties, agreements and
25 assurances against the United States of America, the

1 British Commonwealth of Nations (which expression
2 wherever used in this Indictment includes the United
3 Kingdom of Great Britain and Northern Ireland, the
4 Commonwealth of Australia, Canada, New Zealand, South
5 Africa, India, Burma, the Malay States, and all other
6 parts of the British Empire not separately represented
7 in the League of Nations), the Republic of France, the
8 Kingdom of the Netherlands, the Republic of China, the
9 Republic of Portugal, the Kingdom of Thailand, the
10 Commonwealth of the Philippines, and the Union of
11 Soviet Socialist Republics, or such of them as might
12 oppose that purpose.

13 "The whole of the Particulars in Appendix A,
14 and of the Treaty Articles in Appendix B and of the
15 Assurances in Appendix C, relate to this Count.

16 "COUNT 5.

17 "All the Defendants together with divers
18 other persons, between the 1st January, 1928 and the
19 2nd September, 1945, participated as leaders, organ-
20 izers, instigators, or accomplices in the formulation
21 or execution of a common plan or conspiracy, and are
22 responsible for all acts performed by themselves or by
23 any person in execution of such plan.

24 "The object of such plan or conspiracy was
25 that Germany, Italy and Japan should secure the

1 military, naval, political and economic domination of
2 the whole world, each having special domination in its
3 own sphere, the sphere of Japan covering East Asia,
4 the Pacific and Indian Oceans and all countries and
5 islands therein or bordering thereon, and for that
6 purpose should mutually assist one another to wage de-
7 clared or undeclared war or wars of aggression, and
8 war or wars in violation of international law, treat-
9 ies, agreements and assurances, against any countries
10 which might oppose that purpose, and particularly
11 against the United States of America, the British
12 Commonwealth of Nations, the Republic of France, the
13 Kingdom of the Netherlands, the Republic of China,
14 the Republic of Portugal, the Kingdom of Thailand, the
15 Commonwealth of the Philippines, and the Union of
16 Soviet Socialist Republics.

17 "The whole of the Particulars in Appendix A,
18 and of the Treaty Articles in Appendix B, and of the
19 Assurances in Appendix C, relate to this Count.

20 "COUNT 6.

21 "All the Defendants between the 1st January,
22 1928 and the 2nd September, 1945, planned and prepared
23 a war of aggression and a war in violation of inter-
24 national law, treaties, agreements and assurances,
25 against the Republic of China.

1 "The following Sections of the Particulars
2 in Appendix A, Nos. 1 to 6 inclusive, and the same
3 Treaty Articles and Assurances as in Count 2, relate
4 to this Count.

5 "COUNT 7.

6 "All the Defendants between the 1st January,
7 1928 and the 2nd September, 1945, planned and prepared
8 a war of aggression and a war in violation of inter-
9 national law, treaties, agreements and assurances,
10 against the United States of America.

11 "The following Sections of the Particulars
12 in Appendix A, Nos. 3, 4, 5, 6, 7, 9 and 10; the fol-
13 lowing Treaty Articles in Appendix B, Nos. 1 to 10
14 inclusive, 17 to 19 inclusive, 22 to 35, inclusive
15 and 37; and the whole of the Assurances in Appendix C,
16 relate to this Count."
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1 (Whereupon, the reading of the
2 Indictment was continued in English by the
3 Marshal of the Court; and the prepared
4 Japanese translation thereof was read by
5 Mr. David Itami, Official Interpreter.)

6 MARSHAL OF THE COURT: (Reading)

7 "COUNT 8.

8 "All the Defendants between the 1st January,
9 1928 and the 2nd September, 1945, planned and prepared
10 a war of aggression and a war in violation of inter-
11 national law, treaties, agreements and assurances,
12 against the United Kingdom of Great Britain and North-
13 ern Ireland and all parts of the British Commonwealth
14 of Nations not the subject of separate counts in this
15 Indictment.

16 "The following Sections of the Particulars in
17 Appendix A, Nos. 3, 4, 5, 6, 7, 9 and 10; and the fol-
18 lowing Treaty Articles in Appendix B, Nos. 1, 2, 5, 10
19 to 19 inclusive, 22 to 30 inclusive, 32 to 35 inclusive,
20 37 and 38; and the whole of the Assurances in Appendix
21 C, relate to this Count.

22 "COUNT 9.

23 "All the Defendants between the 1st January,
24 1928 and the 2nd September, 1945, planned and prepared
25 a war of aggression and a war in violation of international

1 law, treaties, agreements and assurances, against the
2 Commonwealth of Australia.

3 "The same Sections of the Particulars in
4 Appendix A, and the same Treaty Articles and Assurances
5 as in Count 8, relate to this Count.

6 "COUNT 10.

7 "All the Defendants between the 1st January,
8 1928 and the 2nd September, 1945, planned and prepared
9 a war of aggression and a war in violation of interna-
10 tional law, treaties, agreements and assurances, against
11 New Zealand.

12 "The same Sections of the Particulars in Ap-
13 pendix A, and the same Treaty Articles and Assurances
14 as in Count 8, relate to this Count.

15 "COUNT 11.

16 "All the Defendants between the 1st January,
17 1928 and the 2nd September, 1945, planned and prepared
18 a war of aggression and a war in violation of interna-
19 tional law, treaties, agreements and assurances, against
20 Canada.

21 "The same Sections of the Particulars in Ap-
22 pendix A, and the same Treaty Articles and Assurances
23 as in Count 8, relate to this Count.

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1 "COUNT 12.

2 "All the Defendants between the 1st January,
3 1928 and the 2nd September, 1945, planned and prepared
4 a war of aggression and a war in violation of interna-
5 tional law, treaties, agreements and assurances, against
6 India.

7 "The same Sections of the Particulars in
8 Appendix A, and the same Treaty Articles and Assurances
9 as in Count 8, relate to this Count.

10 "COUNT 13

11 "All the Defendants between the 1st January,
12 1928 and the 2nd September, 1945, planned and prepared
13 a war of aggression and a war in violation of interna-
14 tional law, treaties, agreements and assurances, against
15 the Commonwealth of the Philippines.

16 "The same Sections of the Particulars in
17 Appendix A, and the same Treaty Articles and Assurances
18 as in Count 7, relate to this Count.

19 "COUNT 14.

20 "All the Defendants between the 1st January,
21 1928 and the 2nd September, 1945, planned and prepared
22 a war of aggression and a war in violation of interna-
23 tional law, treaties, agreements and assurances, against
24 the Kingdom of the Netherlands.

25 "The following Sections of the Particulars in

1 Appendix A, Nos. 3, 4, 5, 6, 7, 9 and 10; the following
2 Treaty Articles in Appendix B, Nos. 1 to 5 inclusive, 10
3 to 18 inclusive, 20, 22 to 30 inclusive, 32 to 35 inclu-
4 sive, 37 and 38; and the following Assurances in Appen-
5 dix C, Nos. 10 to 15 inclusive, relate to this Count.

6 "COUNT 15.

7 "All the Defendants between the 1st January,
8 1928 and the 2nd September, 1945, planned and prepared
9 a war of aggression and a war in violation of interna-
10 tional law, treaties, agreements and assurances, against
11 the Republic of France.

12 "The following Sections of the Particulars in
13 Appendix A, Nos. 2, 3, 4, 5, 6, 7, 9 and 10; the follow-
14 ing Treaty Articles in Appendix B, Nos. 1 to 5 inclusive,
15 10 to 19 inclusive, 22 to 30 inclusive, and 32 to 38 in-
16 clusive, and the following Assurances in Appendix C,
17 Nos. 14 and 15, relate to this Count.

18 "COUNT 16.

19 "All the Defendants between the 1st January,
20 1928 and the 2nd September, 1945, planned and prepared
21 a war of aggression and a war in violation of interna-
22 tional law, treaties, agreements and assurances against
23 the Kingdom of Thailand.

24 "The following Sections of the Particulars in
25 Appendix A, Nos. 2, 3, 4, 5, 6, 7, 9 and 10; and the

1 following Treaty Articles in Appendix B, Nos. 3, 4, 5,
2 10 and 32 to 38 inclusive, relate to this Count.

3 "COUNT 17.

4 "All the Defendants between the 1st January,
5 1928 and the 2nd September, 1945, planned and prepared
6 a war of aggression and a war in violation of interna-
7 tional law, treaties, agreements and assurances, against
8 the Union of Soviet Socialist Republics.

9 "The following Sections of the Particulars in
10 Appendix A, Nos. 1 to 8 inclusive, and the following
11 Treaty Articles in Appendix B, Nos. 1 to 5 inclusive,
12 10 to 18 inclusive, 32 to 35 inclusive, 39 to 47 inclu-
13 sive and Assurance No. 13 in Appendix C, relate to this
14 Count.

15 "COUNT 18.

16 "The Defendants ARAKI, DOHIHARA, HASHIMOTO,
17 HIRANUMA, ITAGAKI, KOISO, MINAMI, OKAWA, SHIGEMITSU, TOJO
18 and UMEZU, on or about the 18th September, 1931, initi-
19 ated a war of aggression and a war in violation of inter-
20 national law, treaties, agreements and assurances,
21 against the Republic of China.

22 "Section 1 of the Particulars in Appendix A;
23 and the following Treaty Articles in Appendix B, Nos.
24 1 to 5 inclusive, 11 to 14 inclusive, 22, 23, 25, 30,
25 40 to 43 inclusive, relate to this Count.

1 "COUNT 19.

2 "The Defendants ARAKI, DOHIHARA, HASHIMOTO,
3 HATA, HIRANUMA, HIROTA, HOSHINO, ITAGAKI, KAYA, KIDO,
4 MATSUI, MUTO, SUZUKI, TOJO AND UMEZU, on or about the
5 7th July, 1937, initiated a war of aggression and a war
6 in violation of international law, treaties, agreements
7 and assurances, against the Republic of China.

8 "Section 2 of the Particulars in Appendix A;
9 the same Treaty Articles as in Count 18 and the follow-
10 ing Assurances in Appendix C, Nos. 3, 4 and 5, relate
11 to this Count.

12 "COUNT 20.

13 "The Defendants DOHIHARA, HIRANUMA, HIROTA,
14 HOSHINO, KAYA, KIDO, KIMURA, MUTO, NAGANO, OKA, OSHIMA,
15 SATO, SHIMADA, SUZUKI, TOGO AND TOJO, on or about the
16 7th December, 1941, initiated a war of aggression and
17 a war in violation of international law, treaties,
18 agreements and assurances, against the United States
19 of America.

20 "Section 9 of the Particulars in Appendix A,
21 the following Treaty Articles in Appendix B, Nos. 1 to
22 9 inclusive; 19, 22 to 30 inclusive, 33, 34 and 37; and
23 the whole of the Assurances in Appendix C, relate to
24 this Count.
25

1 "COUNT 19.

2 "The Defendants ARAKI, DOHIHARA, HASHIMOTO,
3 HATA, HIRANUMA, HIROTA, HOSHINO, ITAGAKI, KAYA, KIDO,
4 MATSUI, MUTO, SUZUKI, TOJO AND UMEZU, on or about the
5 7th July, 1937, initiated a war of aggression and a war
6 in violation of international law, treaties, agreements
7 and assurances, against the Republic of China.

8 "Section 2 of the Particulars in Appendix A;
9 the same Treaty Articles as in Count 18 and the follow-
10 ing Assurances in Appendix C, Nos. 3, 4 and 5, relate
11 to this Count.

12 "COUNT 20.

13 "The Defendants DOHIHARA, HIRANUMA, HIROTA,
14 HOSHINO, KAYA, KIDO, KIMURA, MUTO, NAGANO, OKA, OSHIMA,
15 SATO, SHIMADA, SUZUKI, TEGO AND TOJO, on or about the
16 7th December, 1941, initiated a war of aggression and
17 a war in violation of international law, treaties,
18 agreements and assurances, against the United States
19 of America.

20 "Section 9 of the Particulars in Appendix A,
21 the following Treaty Articles in Appendix B, Nos. 1 to
22 9 inclusive; 19, 22 to 30 inclusive, 33, 34 and 37; and
23 the whole of the Assurances in Appendix C, relate to
24 this Count.
25

1 (Whereupon, the reading of the
2 Indictment was continued in English by the
3 Acting Clerk of the Court; and the prepared
4 Japanese translation thereof was read by Mr.
5 Lani Miyamoto.)

6 CLERK OF THE COURT: (Reading)

7 "COUNT 21.

8 "The same Defendants as in Count 20 on or
9 about the 7th December, 1941, initiated a war of aggres-
10 sion and a war in violation of international law,
11 treaties, agreements and assurances, against the Common-
12 wealth of the Philippines.

13 "The same Particulars, Treaty Articles and
14 Assurances as in Count 20, relate to this Count.

15 "COUNT 22.

16 The same Defendants as in Count 20, on or about
17 the 7th December, 1941, initiated a war of aggression
18 and a war in violation of international law, treaties,
19 agreements and assurances, against the British Common-
20 wealth of Nations.

21 "Section 9 of the Particulars in Appendix A,
22 the following Treaty Articles in Appendix B, Nos. 1 to 5
23 inclusive, 19, 22 to 30 inclusive, 33 and 37; and the
24 whole of the Assurances in Appendix C, relate to this
25 Count."

1 THE PRESIDENT: The Tribunal will now recess
2 for fifteen minutes.

3 (Whereupon, at 1535, a recess was
4 taken until 1600, after which the proceedings
5 were resumed as follows:)
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1 (Mr. OHARA, counsel for accused
2 OKAWA, Shumei, addressed the Tribunal in
3 Japanese.)

4 LANGUAGE SECTION CHIEF: Mr. President, I
5 cannot interpret counsel's speech unless he pauses
6 when directed.

7 THE PRESIDENT: He might tell the Tribunal
8 what his name is.

9 LANGUAGE SECTION CHIEF: Mr. OHARA, who is
10 the attorney for the accused OKAWA.

11 MR. OHARA: Yesterday I submitted an appeal
12 to you. I would like to ask you with regards to that
13 matter. However, with regards to the content of my
14 speech which I shall deliver now, it will be similar
15 to the one in the appeal which I submitted to you
16 yesterday.

17 THE PRESIDENT: I did not anticipate this
18 explanation being made at this stage. The application
19 now being made can be renewed later. I understood an
20 application was being made in another respect. The
21 matter to which he refers will be dealt with later.
22 This is not the appropriate time.

23 Proceed with the reading of the Indictment.

24 ACTING CLERK OF THE COURT: (Reading)

25 "COUNT 23

1 "The Defendants ARAKI, DOHIHARA, HIRANUMA,
2 HIROTA, HOSHINO, ITAGAKI, KIDO, MATSUOKA, MUTO, NAGANO,
3 SHIGEMITSU and TOJO, on or about the 22nd September,
4 1940, initiated a war of aggression and a war in viola-
5 tion of international law, treaties, agreements and
6 assurances, against the Republic of France.

7 "The same Particulars, Treaty Articles and
8 Assurances as in Count 15, relate to this Count.

9 "COUNT 24

10 "The same Defendants as in Count 20 on or
11 about the 7th December, 1941, initiated a war of
12 aggression and a war in violation of international law,
13 treaties, agreements and assurances, against the King-
14 dom of Thailand.

15 "Section 7 of the Particulars in Appendix A,
16 and the following Treaty Articles in Appendix B, Nos.
17 1 to 5, inclusive, 33, 34, 36, 37 and 38, relate to
18 this Count.

19 "COUNT 25

20 "The Defendants ARAKI, DOHIHARA, HATA,
21 HIRANUMA, HIROTA, HOSHINO, ITAGAKI, KIDO, MATSUOKA,
22 MATSUI, SHIGEMITSU, SUZUKI and TOGO, during July and
23 August, 1938, initiated a war of aggression and a war
24 in violation of international law, treaties, agreements
25 and assurances by attacking the Union of Soviet Social-

1 ist Republics in the area of Lake Khasan.

2 "The same Particulars, Treaty Articles and
3 Assurances as in Count 17, relate to this Count.

4 "COUNT 26.

5 "The Defendants ARAKI, DOHIHARA, HATA,
6 HIRANUMA, ITAGAKI, KIDO, KOISO, MATSUI, MATSUOKA, MUTO,
7 SUZUKI, TOGO, TOJO and UMEZU, during the summer of
8 1939, initiated a war of aggression and a war in viola-
9 tion of international law, treaties, agreements and
10 assurances, by attacking the territory of the Mongol-
11 ian People's Republic in the area of the Khackhin-Gol
12 River.

13 "The same Particulars, Treaty Articles and
14 Assurances as in Count 17, relate to this Count.

15 "COUNT 27.

16 "All the Defendants between the 18th Septem-
17 ber, 1931 and the 2nd September, 1945, waged a war of
18 aggression and a war in violation of international law,
19 treaties, agreements and assurances against the Repub-
20 lic of China.

21 "The same Particulars, Treaty Articles and
22 Assurances as in Count 2, relate to this Count.

23 "COUNT 28.

24 "All the Defendants between the 7th July,
25 1937 and the 2nd September, 1945, waged a war of

1 aggression and a war in violation of international law,
2 treaties, agreements and assurances, against the Repub-
3 lic of China.

4 "The same Particulars, Treaty Articles and
5 Assurances as in Count 2, relate to this Count.

6 "COUNT 29.

7 "All the Defendants between the 7th December,
8 1941 and the 2nd September, 1945, waged a war of aggres-
9 sion and a war in violation of international law, treat-
10 ies, agreements and assurances against the United
11 States of America.

12 "The following Sections of the Particulars
13 in Appendix A, Nos. 4 to 10 inclusive; and the same
14 Treaty Articles and Assurances as in Count 20 relate
15 to this Count.

16 "COUNT 30.

17 "All the Defendants between the 7th December,
18 1941, and the 2nd September, 1945, waged a war of
19 aggression and a war in violation of international law,
20 treaties, agreements and assurances, against the Common-
21 wealth of the Philippines.

22 "The same Particulars, Treaty Articles and
23 Assurances as in Count 29, relate to this Count.

24 "COUNT 31

25 "All the Defendants between the 7th December,

1 1941 and the 2nd September, 1945, waged a war of
2 aggression and a war in violation of international law,
3 treaties, agreements and assurances, against the Brit-
4 ish Commonwealth of Nations.

5 "The following Sections of the Particulars
6 in Appendix A, Nos. 4 to 10 inclusive; and the same
7 Treaty Articles and Assurances as in Count 22, relate
8 to this Count.

9 "COUNT 32.

10 "All the Defendants between the 7th December,
11 1941 and the 2nd September, 1945, waged a war of
12 aggression and a war in violation of international law,
13 treaties, agreements and assurances, against the King-
14 dom of the Netherlands.

15 "The same Particulars, Treaty Articles and
16 Assurances as in Count 14, relate to this Count.

17 "COUNT 33.

18 "The Defendants ARAKI, DOHIHARA, HIRANUMA,
19 HIROTA, HOSHINO, ITAGAKI, KIDO, MATSUOKA, MUTO, NAGANO,
20 SHIGEMITSU and TOJO, on and after the 22nd September,
21 1940, waged a war of aggression and a war in violation
22 of international law, treaties, agreements and assur-
23 ances, against the Republic of France.

24 "The same Particulars, Treaty Articles and
25 Assurances as in Count 15, relate to this Count.

1 "COUNT 34.

2 "All the Defendants between the 7th December,
3 1941 and the 2nd September, 1945, waged a war of
4 aggression and a war in violation of international law,
5 treaties, agreements, and assurances, against the King-
6 dom of Thailand.

7 "The same Particulars and Treaty Articles as
8 in Count 24, relate to this Count.

9 "COUNT 35.

10 "The same Defendants as in Count 25, during
11 the summer of 1938, waged a war of aggression and a war
12 in violation of international law, treaties, agreements
13 and assurances against the Union of Soviet Socialist
14 Republics.

15 "The same Particulars, Treaty Articles and
16 assurances as in Count 17, relate to this Count.

17 "COUNT 36.

18 "The same Defendants as in Count 26, during
19 the summer of 1939, waged a war of aggression and a war
20 in violation of international law, treaties, agreements
21 and assurances against the Mongolian People's Republic
22 and the Union of Soviet Socialist Republics.

23 "The same Particulars, Treaty Articles and
24 Assurances as in Count 17, relate to this Count.
25

1 "GROUP TWO: MURDER.

2 "The following Counts charge the crimes of
3 murder, and conspiracy to murder, being acts for which
4 it is charged that the persons named and each of them
5 are individually responsible, being at the same time
6 Crimes against Peace, Conventional War Crimes, and
7 Crimes against Humanity, contrary to all the paragraphs
8 of Article 5 of the said Charter, to International Law,
9 and to the domestic laws of all the countries where
10 committed, including Japan, or to one or more of them.

11 "COUNT 37.

12 "The Defendants DOHIHARA, HIRANUMA, HIROTA,
13 HOSHINO, KAYA, KIDO, KIMURA, MUTO, NAGANO, OKA, OSHIMA,
14 SATO, SHIMADA, SUZUKI, TOGO and TOJO, together with
15 divers other persons between the 1st June, 1940, and
16 the 8th December, 1941, participated as leaders, organ-
17 izers, instigators, or accomplices in the formulation
18 or execution of a common plan or conspiracy, and are
19 responsible for all acts performed by themselves or by
20 any person in execution of such plan.

21 "The object of such plan or conspiracy was
22 unlawfully to kill and murder the persons described
23 below, by initiating unlawful hostilities against the
24 United States of America, the Commonwealth of the
25 Philippines, the British Commonwealth of Nations, the

1 Kingdom of the Netherlands and the Kingdom of Thailand,
2 and unlawfully ordering, causing and permitting the
3 armed forces of Japan to attack the territory, ships
4 and airplanes of the said nations or some of them at
5 times when Japan would be at peace with the said
6 nations.

7 "The persons intended to be killed and
8 murdered were all such persons, both members of the
9 armed forces of the said nations and civilians, as
10 might happen to be in the places at the times of such
11 attacks.

12 "The said hostilities and attacks were unlaw-
13 ful because they were breaches of Treaty Article 5 in
14 Appendix B, and the accused and the said armed forces
15 of Japan could not therefore, acquire the rights of
16 lawful belligerents.

17 "The accused and each of them intended that
18 such hostilities should be initiated in breach of such
19 Treaty Article, or were reckless whether such Treaty
20 article would be violated or not.

21 "COUNT 38.

22 "The Defendants DOHIHARA, HIRANUMA, HIROTA,
23 HOSHINO, KAYA, KIDO, KIMURA, MATSUOKA, MUTO, NAGANO,
24 OKA, OSHIMA, SATO, SHIMADA, SUZUKI, TOGO and TOJO,
25 together with divers other persons between the 1st

1 June, 1940 and the 8th December, 1941, participated as
2 leaders, organizers, instigators, or accomplices in
3 the formulation or execution of a common plan or con-
4 spiracy, and are responsible for all acts performed by
5 themselves or by any person in execution of such plan.

6 "The object of such plan or conspiracy was
7 unlawfully to kill and murder the persons described
8 below, by initiating unlawful hostilities against the
9 United States of America, the Commonwealth of the
10 Philippines, the British Commonwealth of Nations, the
11 Kingdom of the Netherlands and the Kingdom of Thailand,
12 and unlawfully ordering, causing and permitting the
13 armed forces of Japan to attack the territory, ships
14 and airplanes of the said nations or some of them.

15 "The persons intended to be killed and mur-
16 dered were all such persons, both members of the armed
17 forces of the said nations and civilians, as might
18 happen to be in the places at the times of such
19 attacks.

20 "The said hostilities and attacks were un-
21 lawful because they were breaches of Treaty Articles
22 6, 7, 19, 33, 34, and 36 in Appendix B and the accused
23 and the said armed forces of Japan could not therefore
24 acquire the rights of lawful belligerents.

25 "The accused and each of them intended that

1 such hostilities should be initiated in breach of such
2 Treaty Articles, or were reckless whether such Treaty
3 Articles or any of them would be violated or not.

4 "COUNT 39.

5 "The same Defendants as in Count 38, under
6 the circumstances alleged in Counts 37 and 38, by
7 ordering, causing and permitting the armed forces of
8 Japan to attack the territory, ships and airplanes of
9 the United States of America, with which nation Japan
10 was then at peace, at Pearl Harbour, Territory of
11 Hawaii, on the 7th December, 1941, at about 0755 hours
12 (Pearl Harbour time), unlawfully killed and murdered
13 Admiral Kidd and about 4,000 other members of the naval
14 and military forces of the United States of America and
15 certain civilians whose names and number are at present
16 unknown.

17 "COUNT 40.

18 "The same Defendants as in Count 38, under
19 the circumstances alleged in Counts 37 and 38, by
20 ordering, causing and permitting the armed forces of
21 Japan to attack the territory and airplanes of the
22 British Commonwealth of Nations, with which nations
23 Japan was then at peace, at Kota Bahru, Kelantan, on
24 the 8th December, 1941, at about 0025 hours (Singapore
25 time), unlawfully killed and murdered certain members

1 of the armed forces of the British Commonwealth of
2 Nations whose names and number are at present unknown.

3 "COUNT 41.

4 "The same Defendants as in Count 38, under
5 the circumstances alleged in Counts 37 and 38, by
6 ordering, causing and permitting the armed forces of
7 Japan to attack the territory, ships and airplanes of
8 the British Commonwealth of Nations, with which nations
9 Japan was then at peace, at Hong Kong, on the 8th
10 December, 1941, at about 0800 hours (Hong Kong time),
11 unlawfully killed and murdered certain members of the
12 armed forces of the British Commonwealth of Nations,
13 whose names and number are at present unknown.

14 "COUNT 42.

15 "The same Defendants as in Count 38, under
16 the circumstances alleged in Counts 37 and 38, by
17 ordering, causing and permitting the armed forces of
18 Japan to attack H.M.S. PETREL, a ship of the British
19 Commonwealth of Nations, with which nations Japan was
20 then at peace, at Shanghai on the 8th December, 1941,
21 at about 0300 hours (Shanghai time), unlawfully killed
22 and murdered three members of the naval forces of the
23 British Commonwealth of Nations, whose names are at
24 present unknown.

25 "COUNT 43.

1 "The same Defendants as in Count 38, under
2 the circumstances alleged in Counts 37 and 38, by
3 ordering, causing and permitting the armed forces of
4 Japan to attack the territory of the Commonwealth of
5 the Philippines, with which nation Japan was then at
6 peace, at Davao, on the 8th December, 1941, at about
7 1000 hours (Manila time) unlawfully killed and
8 murdered certain members of the armed forces of the
9 United States of America and of the armed forces and
10 civilians of the Commonwealth of the Philippines,
11 whose names and number are at present unknown.

12 "COUNT 44.

13 "All the Defendants together with divers
14 other persons between the 18th September, 1931 and the
15 2nd September, 1945, participated as leaders, organiz-
16 ers, instigators or accomplices in the formulation or
17 execution of a common plan or conspiracy, and are
18 responsible for all acts performed by themselves or
19 by any person in execution of such plan.

20 "The object of such plan or conspiracy was
21 to procure and permit the murder on a wholesale scale
22 of prisoners of war, members of the armed forces of
23 countries opposed to Japan who might lay down their
24 arms, and civilians, who might be in the power of
25 Japan, on land or sea, in territories occupied by

1 Japan, and crews of ships destroyed by Japanese forces,
2 in ruthless pursuit of victory in the unlawful wars in
3 which Japan was, or would, during the said period be
4 engaged.

5 "COUNT 45.

6 "The Defendants ARAKI, HASHIMOTO, HATA,
7 HIRANUMA, HIROTA, ITAGAKI, KAYA, KIDO, MATSUI, MUTO,
8 SUZUKI and UMEZU, on the 12th December, 1937, and
9 succeeding days, by unlawfully ordering, causing and
10 permitting the armed forces of Japan to attack the
11 City of Nanking in breach of the Treaty Articles
12 mentioned in Count 2 hereof and to slaughter the
13 inhabitants contrary to international law, unlawfully
14 killed and murdered many thousands of civilians and
15 disarmed soldiers of the Republic of China, whose
16 names and number are at present unknown.

17 "COUNT 46.

18 "The same Defendants as in Count 45, on the
19 21st October, 1938 and succeeding days, by unlawfully
20 ordering, causing and permitting the armed forces of
21 Japan to attack the City of Canton in breach of the
22 Treaty Articles mentioned in Count 2 hereof and to
23 slaughter the inhabitants contrary to international
24 law, unlawfully killed and murdered large numbers of
25 civilians and disarmed soldiers of the Republic of

1 China, whose names and number are at present unknown.

2 "COUNT 47.

3 "The same Defendants as in Count 45, prior
4 to the 27th October, 1938, and on succeeding days, by
5 unlawfully ordering, causing and permitting the armed
6 forces of Japan to attack the City of Hankow in breach
7 of the Treaty Articles mentioned in Count 2 hereof
8 and to slaughter the inhabitants contrary to inter-
9 national law, unlawfully killed and murdered large
10 numbers of civilians and disarmed soldiers of the
11 Republic of China, whose names and number are at
12 present unknown."

13 THE PRESIDENT: The Tribunal will adjourn
14 until thirty minutes past nine tomorrow.

15 (Whereupon, at 1640, an adjournment
16 was taken until Saturday, 4 May, 1946, at 0930.)

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